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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,953	12/22/2000	Robert James Laferriere	GEMS:0110/YOD (15-SV-5653)	1242
68174	7590	02/13/2008	EXAMINER	
GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			MANIWANG, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2144	
			MAIL DATE	DELIVERY MODE
			02/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/746,953

**Applicant(s)**

LAFERRIERE ET AL.

**Examiner**

Joseph R. Maniwang

**Art Unit**

2144

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-8, 11-26 and 29-40.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

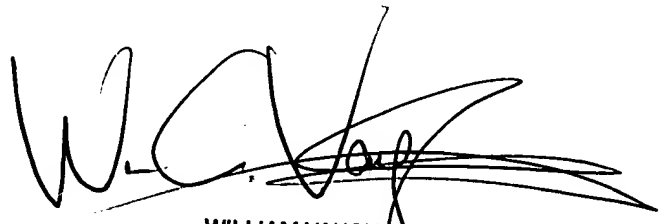
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant's main assertion is that Hickman does not disclose identifying a "portion" or "logical block" of the screen as claimed. To this point, it is argued by Applicant that Hickman instead transmits the entire screen rather than a portion/logical block. Examiner reiterates the argument presented in the Final Rejection that the recitation of "portion" or "logical block of the display" is broadly recited in the claims and is not specifically defined by the claim language. The only requirement is that the claimed "portion" is associated with an "input event". Examiner submits that Hickman reads on such a provision, disclosing that movement of a client mouse (i.e., "input event data from the controlling computer") controlled the position of a pointer on the screen of the host computer (i.e., "the screen at the controlled computer based upon the input even data"), the display then outputting on the virtual machine window of the client machine monitor (i.e., "transmitting screen data representative of the portion to the controlling computer to update the display at the controlling computer") (see column 8, line 57 through column 9, line 5). Hickman disclosed a second example of transmitting screen data in response to an input event, in which typing at the client computer (i.e., "input event data from the controlling computer") would cause the input of characters into a window of the host computer (i.e., "a portion of the screen at the controlled computer based upon the input event data") (see column 8, line 57 through column 9, line 5). Most importantly, Hickman disclosed that the virtual machine window (i.e., "[transmitted] screen data") "is at least a portion of the image displayed on the host computer monitor" (see column 8, lines 37-39), or in other words, transmitting/displaying a "portion/logical block" of the affected screen as claimed. Although Applicant describes "image analysis algorithms" employed for determining the change in screen data to derive the claimed "logical block", such details from the Specification are not read into the claims and are not explicitly recited in the claim language presented. Examiner maintains the position set forth in the Final Rejection.



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